

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

MDL No. 1456

Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO:
ALL CLASS ACTIONS

Judge Patti B. Saris

**SCHERING-PLOUGH CORPORATION'S AND
WARRICK PHARMACEUTICALS CORPORATION'S
PRETRIAL DISCLOSURES PURSUANT TO FED R. CIV. P. 26(a)(3)(A)**

I. WITNESSES TO BE CALLED AT TRIAL¹

Witness	Will Call	May Call
Dr. Sumanth Addanki National Economic Research Associates, Inc. 50 Main Street White Plains, NY 10606 (914) 448-4000	X	
Dr. E.M. (Mick) Kolassa Medical Marketing Economics, LLC 400 South Lamar Boulevard, Suite A Oxford, MS 38655 (662) 281-0502	X	
Brian Longstreet c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033 (908) 298-4000	X	

¹ Schering and Warrick reserve the right to call any witnesses appearing on Plaintiffs' witness list.

Witness	Will Call	May Call
Harvey Weintraub 34 Woodcrest Drive Convent Station, NJ 07960 (973) 285-0151	X	
Alfred Graf c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033 (908) 298-4000	X	
Debra Kane c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033 (908) 298-4000		X
Jim Kilgallon c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033 (908) 298-4000		X
Lawrence Atkins c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033 (908) 298-4000		X
Thomas Kelly c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033 (908) 298-4000		X
Portia Edens c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033 (908) 298-4000		X
Gary Bishop c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033		X

Witness	Will Call	May Call
(908) 298-4000		
Mark Flynn c/o Schering-Plough Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033 (908) 298-4000		X

**II. SCHERING-PLOUGH CORPORATION'S AND WARRICK
PHARMACEUTICALS CORPORATION'S TRIAL EXHIBITS^{2, 3}**

Trial Exh. No.	Doc. Date	Bates Range	Document Title/ Description	Objection
2900	3/4/02	SW0143845 – SW0143855	Schering Corporation correspondence to Fallon Clinic enclosing Purchase Agreement	
2901	3/19/02	SW0143859 – SW0143862	Amendment to Purchase Agreement dated 3/4/02 between Fallon, Inc. and Schering Corporation	
2902	11/16/98	SW0676604 – SW0676618	Schering Corporation correspondence to Aetna Pharmacy Management enclosing Addendum to Agreement	
2903	4/3/02	SW0378909 – SW0378916	Purchase Agreement between Harvard Pilgrim Health Care, Inc.-Harvard Staff and Schering Corporation	
2904	8/29/94	SP 0004511 – SP 0004512	Warrick Pharmaceuticals correspondence to Blue Cross & Blue Shield of Mass. with Albuterol pricing information	
2905	6/6/95	SP 0004506,	Warrick Pharmaceuticals	

² Schering and Warrick reserve the right to introduce any exhibits or portions thereof identified by Plaintiffs.

³ The following trial exhibits, identified herein with an asterisk, are admissible as summaries pursuant to Fed. R. Evid. 1006: 2918 – 2936. The data and information underlying these exhibits have been produced to Plaintiffs' counsel.

Trial Exh. No.	Doc. Date	Bates Range	Document Title/ Description	Objection
		SP 0004510	correspondence to HMO Blue with albuterol pricing information	
2906	2/8/95	SP 0004494 – SP 0004501	Warrick Pharmaceuticals correspondence to HMO Blue with albuterol and clotrimazole pricing information	
2907		SW0719729 – SW0719744	Intron A in Non-Hodgkin's Lymphoma – Educational Backgrounder	
2908	09/99	SW0098555 – SW0098704	Schering-Sales Policy & Procedure Manual	
2909	09/30/04	SPW0041824 – SPW0041826	Schering-Plough Corporate Policy – Reporting and Investigations of Misconduct	
2910		SW0321450 – SW0321451	Quick Reference Fraud and Abuse Guidelines for Sales Forces	
2911		SW0321547 – SW0321561	Schering-Plough Corporation – Fraud & Abuse Compliance Program	
2912		SW0328000 – SW0328057	Warrick Pharmaceuticals Policy and Procedures	
2913		WWV0091974 – WWV0091995	Warrick Pharmaceuticals Corporation By-Laws	
2914	3/15/93	WWV0091946 – WWV0091962	Agreement between Schering Corporation and Warrick Pharmaceuticals Corporation	
2915	3/15/93	WWV0091963 – WWV0091970	Lease Agreement between Schering Corporation and Warrick Pharmaceuticals Corporation	
2916	3/15/93	WWV0091943 – WWV0091945	Agreement between Warrick Pharmaceuticals Corporation and Schering Corporation	
2917	3/15/93	WWV0091996 – WWV0091998	Unanimous Consent of Board of Directors Organization Meeting	
2918*			Comparison of Estimated	

Trial Exh. No.	Doc. Date	Bates Range	Document Title/ Description	Objection
			Monthly Medicare Reimbursements for Albuterol Sulfate 0.5% Solution: 2004 v. 2005, 30-Day Supply of 225mg	
2919*			Last Recorded Medispan AWP of Albuterol Sulfate 0.083%	
2920*			Last Recorded Medispan AWP of Albuterol Sulfate 0.5%	
2921*			Warrick and Median AWP, FULs and Median VA Prices for Generic Albuterol Sulfate 0.083% Products	
2922*			Summary of Relative AWP Analysis for Warrick's Albuterol NDCs Analyzed by Dr. Hartman in the MDL	
2923*			Summary of Relative AWP Analysis for Intron-A NDCs Analyzed by Dr. Hartman in the MDL	
2924*			Summary of Relative AWP Analysis for Warrick's Perphenazine NDCs Analyzed by Dr. Hartman in the MDL	
2925*			Summary of Relative AWP Analysis for Proventil NDCs Analyzed by Dr. Hartman in the MDL	
2926*			Summary of Relative AWP Analysis for Temodar NDCs Analyzed by Dr. Hartman in the MDL	
2927*			Unit AWP and Market Shares by Manufacturer for Albuterol Sulfate 0.083% Products	
2928*			Unit AWP and Market Shares by Manufacturer for Albuterol Sulfate 0.5% Products	
2929*			Percent Change in Schering Intron-A Unit AWP Between Consecutive Years	
2930*			Unit AWP for Intron-A	

Trial Exh. No.	Doc. Date	Bates Range	Document Title/ Description	Objection
			Adjusted for Concentration	
2931*			Medicare Reimbursement Limits as a Percent of Average Wholesale Price By HCPCS Code	
2932*			Amount Paid by Medicare for Perphenazine	
2933*			Distribution of Sales by Percentage of WAC Paid by Schering Customers, Proventil	
2934*			Distribution of Sales by Percentage of WAC Paid by Schering Customers, Intron-A	
2935*			Distribution of Sales by Percentage of WAC Paid by Schering Customers, Temodar	
2936*			Comparative Breakdown of Payment Sources for Proventil and Albuterol Sulfate 0.083% and 0.5% Products Using NDTI Data	

Respectfully submitted,

Schering-Plough Corporation and
Warrick Pharmaceuticals Corporation
By their attorneys,

/s/ Eric P. Christofferson

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Dated: October 10, 2006

CERTIFICATE OF SERVICE

I, Eric Christofferson, hereby certify that on October 10, 2006, I caused copies of SCHERING-PLOUGH CORPORATION'S AND WARRICK PHARMACEUTICALS CORPORATION'S PRETRIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(3)(A) to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve and by sending a hard copy of Schering-Plough Corporation's and Warrick Pharmaceuticals Corporation's trial exhibits by overnight mail to the following:

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